

FILED

1 Francois P. Bui
2 17884 Point Sur
3 Fountain Valley, CA 92708
4 714-837-0313, drfrancoisbui@gmail.com
5 Plaintiff in pro se

2012 AUG 21 PM 2: 54

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY: 

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

12 Francois P. Bui,

14 Plaintiff,

15 v.

16 Craig G. Cote,

17 Tanya J. Nazaroff,

18 Alan L. Brodtkin,

19 Alan L. Brodtkin, P.C.,

20 Henry Schein, Inc.,

21 Defendants.

CASE NO.: SACV12-01349 JST (JPR*)

**FDCPA AND FRAUD COMPLAINT.
DEMAND FOR JURY TRIAL.**

23 **COMPLAINT**

24 Plaintiff, Francois P. Bui, individually, hereby sues Defendants, Craig G. Cote, Tanya J. Nazaroff,
25 Alan L. Brodtkin, Alan L. Brodtkin, P.C., Henry Schein, Inc, et al, for violations of the Fair Debt
26 Collection Practices Act (FDCPA) 15 U.S.C. § 1692(e)(2), 1692f, 1692(f)(1) and 15
27 U.S.C. § 2042g(b).

28 **PRELIMINARY STATEMENT**

- 1 1. This is an action for damages and injunctive relief brought by Plaintiff against
2 Defendants for violations of the Fair Debt Collection Practices Act
3 (FDCPA) 15 U.S.C. § 1692f, Fair Debt Collection Practices Act (FDCPA) 15
4 USC § 1692f(1) and 15 U.S.C. § 2042g(b).
- 5 2. Upon belief and information, Plaintiff contends that many of these practices are
6 widespread for some or all of the Defendants. Plaintiff intends to propound
7 discovery to Defendants identifying these other individuals who have
8 suffered similar violations.
- 9 3. Plaintiff contends that the Defendants have violated such laws by repeatedly
10 harassing Plaintiff in attempts to collect an alleged debt which does not
11 belong to Plaintiff.

12 **JURISDICTION AND VENUE**

- 13 4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and supplemental
14 jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.
- 15 5. Venue is proper pursuant to 28 U.S.C. § 1391b. Venue in this District is proper in
16 that the Plaintiff resides here, the Defendants transact business here, and the
17 conduct complained of occurred here.

18 **PARTIES**

- 19 6. Plaintiff, Francois P. Bui, is a natural person and is a resident of the State of
20 California.
- 21 7. Upon information and belief Defendant, Henry Schein, Inc is an entity authorized
22 to do business in California.
- 23 8. Alan L. Brodtkin, P.C. and its attorneys Alan L. Brodtkin, Tanya J. Nazaroff, and
24 Craig G. Cote ("Defendants") are furnishers of information within the
25 meaning of the FCRA, 15 U.S.C. § 1681s-2. Alan L. Brodtkin, P.C. and its
26 attorneys have been hired by Henry Schein, Inc. to carry out the unlawful act.

27 **FACTUAL ALLEGATIONS**

- 28 9. On or about November 16th, 2011, Defendants filed a lawsuit in the CA state court
 against Plaintiff in an attempt to collect a debt which does not belong to
 Plaintiff.

1 10. On or about July 5th, 2012, pursuant to the Fair Debt Collection Practices Act,
2 Plaintiff sent a Request for Validation of Debt to Defendants by Certified
3 Mail, allowing Defendants an opportunity to cure, giving Defendants until
4 July 18th, 2012. However, Plaintiff has not received any response.

5 11. On July 11, 2012, counsel for Defendants, Tanya J. Nazaroff knowingly conducted
6 an illegal "debtor exam" on Plaintiff at the State Court of California and stole
7 \$80 from Plaintiff's wallet. Plaintiff does not owe any debt to Defendants
8 and Plaintiff believes there is no evidence to the contrary.

9 12. On June 06, 2012 and August 08, 2012, counsel for Defendants, Craig G. Cote
10 knowingly conducted an illegal "debtor exam" on Plaintiff at the State Court
11 of California. Plaintiff does not owe any debt to Defendants and Plaintiff
12 believes there is no evidence to the contrary.

13 13. Defendants never lent any money to Plaintiff and Plaintiff believes there is no
14 evidence to the contrary.

15 14. Plaintiff is not presented with any evidence showing Plaintiff owes any money to
16 Defendants.

17 15. Defendants has failed to disclose origin of any loan or money lent and Plaintiff
18 believes there is no evidence to the contrary.

19 16. Defendants has failed to disclose history or provenance of any loan or money lent
20 and Plaintiff believes there is no evidence to the contrary.

21 17. Defendants has never produced evidence that they loaned United States Dollars as
22 required by Federal Law and United States Treasury Regulations. This
23 failure or omission or even negligent behavior is an illegal act, **a felony**.
24 Plaintiff never saw any money and is unaware of any contract for loan
25 proceeds that exists between Plaintiff and Defendants and Plaintiff believes
26 there is no evidence to the contrary.

27 **COUNT I**

28 **VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA),**

15 U.S.C. §1692 BY DEFENDANTS

1 18. Plaintiff alleges and incorporates the information in paragraphs above.

2 19. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C. §1692a(3)

3 20. Defendants are debt collectors within the meaning of the FDCPA, 15 U.S.C.
4 §1692a(6).

5 21. Defendants violated the FDCPA. Defendants' violations include, but are not
6 limited to, the following:

7 (a) Defendants violated 15 U.S.C. §1692e(2) by falsifying the character, amount
8 and legal status of the alleged debt.

9 (b) Defendants violated 15 U.S.C. §1692f by conducting an unfair and
10 unconscionable means to collect or attempt to collect the alleged debt that does
11 not belong to consumer. Thereby Defendants defrauded the court and Plaintiff.

12 (c) Defendants violated 15 U.S.C. §1692f(1) by the collection of any amount
13 (including any interest, fee, charge, or expense incidental to the principal
14 obligation) unless such amount is expressly authorized by the agreement
15 creating the debt or permitted by law.

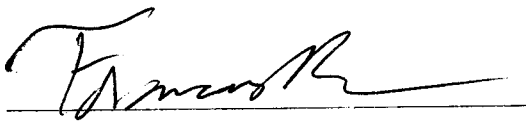
16 (d) Defendants continued collection activity after receiving notice of dispute, and
17 failed to provide written validation of debt before resuming collection activities,
18 in violation of 15 U.S.C. §2042g(b).

19 **WHEREFORE**, Plaintiff demands judgment for damages against each Defendant, for
20 statutory damages, punitive damages, actual damages that would include any adverse ruling in
21 state court, and attorney's fees and costs, pursuant to 15 U.S.C. § 1692.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

24 Respectfully submitted this on August 21, 2012

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3 Fountain Valley, CA 92708
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UNITED STATES DISTRICT COURT

for the

Central District of California

Francois P. Bui

Plaintiff

v.

Craig G. Cote, Tanya J. Nazaroff, Alan L. Brodtkin,
Alan L. Brodtkin, P.C., Henry Schein, Inc.,

Defendant

FOR OFFICE USE ONLY

Civil Action No. SACV 12-01349 JST (JPRx)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff a response to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Francois P. Bui
10161 Bolsa Ave., #209-210B
Westminster, CA 92683

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 21 2012

FOR OFFICE USE ONLY

7-6-12-2012
Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

| I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>) Francois P. Bui | | DEFENDANTS Craig G. Cote, Tanya J. Nazarovoff, Alan L. Brodtkin, Alan L. Brodtkin, P.C., Henry Schein, Inc. | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|-------|-------|----------|-------|---|---|--|---|---|---|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Francois P. Bui 10161 Bolsa Ave., #209-210B, Westminster, CA 92683 714-837-0313 | | Attorneys (If Known) | | | | | | | | | | | | | | | | | | | | | | | | | |
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input checked="" type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table> | | | PTF | DEF | | PTF | DEF | Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | | | |
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| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | | | |
| IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) FDCA AND FRAUD COMPLAINT. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VII. NATURE OF SUIT (Place an X in one box only.) <table style="width:100%;"><thead><tr><th>OTHER STATUTES</th><th>CONTRACT</th><th>TORTS</th><th>TORTS</th><th>PRISONER</th><th>LABOR</th></tr></thead><tbody><tr><td><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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SACV12-01349 JST (JPRx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Orange | |

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Orange | |

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

| | |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Orange | |

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date August 21, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Josephine Tucker and the assigned discovery Magistrate Judge is Jean P. Rosenbluth.

The case number on all documents filed with the Court should read as follows:

SACV12-1349 JST (JPRx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.